

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JAMES MANELY COST, II,)	
)	
Petitioner,)	
)	
v.)	Case No. 5:21-cv-1561-LSC-GMB
)	
SHERIFF MATT GENTRY, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

The Magistrate Judge entered a report (doc. 8), recommending that the court deny Petitioner James Manely Cost, II's motion for evidentiary hearing (doc. 4) and dismiss the petition for writ of habeas corpus without prejudice. The court has not received any objections.

After considering the record and the Magistrate Judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court will **DENY** the motion for evidentiary hearing (doc. 4) and **DISMISS WITHOUT PREJUDICE** the petition for writ of habeas corpus.

The court will enter a final judgment.

This court may issue a certificate of appealability "only if the applicant has a made a substantial showing of the denial of a constitutional right." 28 U.S.C. 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable

jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that "the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Cost's claims do not satisfy either standard.

DONE and **ORDERED** on June 13, 2022.

A handwritten signature in black ink, appearing to read 'L. Scott Coggler', is written over a horizontal line.

L. Scott Coggler
United States District Judge

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